

SENATE BILL 472

By Burks

AN ACT to amend Tennessee Code Annotated, Title 40.41,
relative to service of sentences for certain criminal
offenses.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 40-35-104, is amended by adding
the following new subdivision (3) to subsection (b):

(3) Notwithstanding the provisions of subsection (b) to the contrary and
regardless of the sentence actually imposed or if the county has contracted with the
department, no defendant convicted of any form of criminal homicide as defined in § 39-
13-201, reckless homicide as defined in § 39-13-215, aggravated vehicular homicide as
defined in § 39-13-218, or a sexual offense as defined in § 40-39-102(5), shall be
sentenced to the local jail or workhouse. All such defendants shall be sentenced to the
department of correction.

SECTION 2. Tennessee Code Annotated, Section 40-35-314, is amended by
designating the present language of subsection (a) as (a)(1) and by adding the following new
(a)(2):

(2) Notwithstanding the provisions of subsection (a)(1) to the contrary and
regardless of the sentence actually imposed, the judge shall not have the authority to

designate the place of confinement for any defendant convicted of any form of criminal homicide as defined in § 39-13-201, reckless homicide as defined in § 39-13-215, aggravated vehicular homicide as defined in § 39-13-218, or a sexual offense as defined in § 40-39-102(5), as the local jail or workhouse. All such defendants shall be sentenced to the department of correction.

SECTION 3. Tennessee Code Annotated, Section 40-20-103, is amended by designating the present language of subsection (b) as (b)(1) and by adding the following new (b)(2):

(2) Notwithstanding the provisions of subsection (b)(1) to the contrary, no defendant convicted of any form of criminal homicide as defined in § 39-13-201, reckless homicide as defined in § 39-13-215, aggravated vehicular homicide as defined in § 39-13-218, or a sexual offense as defined in § 40-39-102(5), shall be eligible for trusty status.

SECTION 4. Tennessee Code Annotated, Section 40-35-211, is amended by adding the following new item (4):

(4) Notwithstanding the provisions of this section to the contrary, no defendant convicted of any form of criminal homicide as defined in § 39-13-201, reckless homicide as defined in § 39-13-215, aggravated vehicular homicide as defined in § 39-13-218, or a sexual offense as defined in § 40-39-102(5), shall be eligible for trusty status.

SECTION 5. Tennessee Code Annotated, Section 40-35-302, is amended by designating the present language of subsection (d) as (d)(1) and by adding the following new (d)(2):

(2) Notwithstanding the provisions of subsection (d)(1) to the contrary, no defendant convicted of any form of criminal homicide as defined in § 39-13-201, reckless homicide as defined in § 39-13-215, aggravated vehicular homicide as defined in § 39-

13-218, or a sexual offense as defined in § 40-39-102(5), shall be eligible for trusty status.

SECTION 6. This act shall take effect on July 1, 2003, the public welfare requiring it.